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ESQUIRE DEPOSITION SERVICES

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

- - - - - x  
ETHYPHARM S.A. FRANCE, :  
and ETHYPHARM S.A. SPAIN, :  
Plaintiffs, :  
Vs. : C.A. No. 04-13000-SLR  
BENTLEY PHARMACEUTICALS, :  
INC., :  
Defendant. :  
- - - - - x

Videotaped Deposition of ROSELINE JOANNESSE  
Washington, D.C.  
Thursday, July 20, 2006  
9:04 a.m.

Job No.: 175300  
Pages 1-341  
Reported by: TRISTAN-JOSEPH, RPR

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1-866-619-3925

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JT-A-703

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<p>1 Deposition of ROSELINE JOANNESSE, held at  2 the offices of:  3  4 BAACH, ROBINSON &amp; LEWIS PLLC  5 1201 F Street, N.W.  6 Suite 500  7 Washington, D.C. 20004  8 (202)833-8900  9  10  11  12 Pursuant to agreement, before  13 Tristan-Joseph, Registered Professional Reporter and  14 Notary Public of the District of Columbia.  15  16  17  18  19  20  21  22</p>	<p>1 A P P E A R A N C E S (Continued)  2 ALSO PRESENT:  3 DIDIER DEVYNCK, Interpreter  4 (Morning session)  5 SIVANH KHAMVONGSA, Interpreter  6 (Afternoon Session)  7 T.J. O'TOOLE, Certified Legal  8 Video Specialist  9  10  11  12  13  14  15  16  17  18  19  20  21  22</p>
Page 3	Page 5
<p>1 A P P E A R A N C E S  2 ON BEHALF OF PLAINTIFFS ETHYPHARM S.A.  3 FRANCE AND ETHYPHARM S.A. SPAIN:  4 BRUCE R. GRACE, ESQ.  5 Baach, Robinson &amp; Lewis PLLC  6 1201 F Street, N.W., Suite 500  7 Washington, D.C. 20004  8 (202)833-8900  9 Bruce.grace@baachrobinson.com  10  11 ON BEHALF OF DEFENDANT BENTLEY  12 PHARMACEUTICALS, INC.:  13 VERONICA C. ABREU, ESQ.  14 PATRICIA M. HIGGINS, ESQ.  15 Edwards Angell Palmer &amp; Dodge LLP  16 111 Huntington Avenue  17 Boston, Massachusetts 02199  18 (617)239-0750  19 (617)239-6019  20 Vabreu@eapdlaw.com  21 Phiggins@eapdlaw.com  22</p>	<p>1 C O N T E N T S  2 EXAMINATION OF ROSELINE JOANNESSE PAGE  3 By Ms. Abreu 16  4 By Mr. Grace 315  5  6  7  8  9 I N D E X O F E X H I B I T S  10 (Attached to the Transcript.)  11 JOANNESSE DEPOSITION EXHIBIT PAGE  12 No 1. Business card of James. R. Murphy, 62  13 Chairman, Chief Executive Officer of  14 Bentley Pharmaceuticals, Inc.  15 Bates-number EP 009250.  16 No. 2 Contrato de Fabricación, and its 74  17 Attached English translated version.  18 Bates-number EP 002542 to EP 002547.  19 No. 3 Manifiesta, and its attached 80  20 English translated version.  21 Bates-stamped EP 008066 to  22 EP 008073.</p>

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3	Bates-stamped EP 009232 to EP	3	Indometacine Microgranules), between
4	009237.	4	Ethypharm S.A. and Laboratorios
5	No. 5 Ethypharm Laboratorios Belmac. 110	5	Belmac, March 23, 2000.
6	Bates-stamped EP 008054 to EP008190.	6	Bates-stamped EP 008098 to
7	No. 6 Ethypharm Laboratorios Belmac, and 111	7	EP 008101.
8	Its English translated attachment	8	No. 16 Contrato De Fabricación De 180
9	(Pending Lawsuit). Bates-stamped	9	Vincamina Migrogranulos between
10	EP 007452.	10	Ethypharm S.A. and Laboratorios
11	No. 7 An Agreement between Ethypharm and 122	11	Belmac, and its attached English
12	Laboratorios Belmac S.A.	12	translation (Manufacturing Agreement
13	Bates-stamped EP 009214 to	13	Of Vincamine Microgranules).
14	EP 009228.	14	Bates-stamped EP 008114 to
15	No. 8 Contrato Belmac. 135	15	EP 008116.
16	Bates-stamped BEL006371, BEL006389	16	No. 17 Contrato De Fabricación De 180
17	to BEL006396.	17	Aspirina Migrogranulos between
18	No. 9 Contrato De Fabricación Por 139	18	Ethypharm S.A. and Laboratorios
19	Terceros De Productos Farmacéuticos	19	Belmac, and its attached English
20	dated 3/9/97. Bates-stamped	20	translation (Manufacturing Agreement
21	EP 009177 to EP 009196.	21	Of Aspirine Microgranules).
22	No. 10 A fax from Adolfo de Basilio to 141	22	Bates-stamped EP 008108 to
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1	Patrice Debrégeas, and its attached	1	EP 008111.
2	English translation, dated	2	No. 18 Contrato De Fabricación De 180
3	February 24, 2000. Bates-stamped	3	Piroxicam Migrogranulos between
4	EP 002199.	4	Ethypharm S.A. and Laboratorios
5	No. 11 Contrato De Fabricación, and its 144	5	Belmac, and its attached English
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10	No. 12 A letter from Adolfo Herrera to 153	10	No. 19 An e-mail from Ethypharm to Adolfo 187
11	Adolfo de Basilio, and its English	11	de Basilio, sent Wednesday, May 16,
12	translation, dated November 14,	12	2001, 1 p.m. Subject: RV: Contrat
13	2001. Bates-stamped BENTL008366.	13	Transfert Belmac, and its attached
14	No. 13 Carta De Compromiso De Compra, and 163	14	English translation. Bates-stamped
15	Its attached English translation.	15	EP 009206.
16	Bates-stamped EP 004863 to	16	No. 20 Letter from Gérard Leduc to James 194
17	EP 004865.	17	Murphy, dated June 8, 2001.
18	No. 14 A letter from Adolfo Herrera Málaga 166	18	Bates-stamped EP 002009 to
19	To Adolfo de Basilio on November 14,	19	EP 002041.
20	2001. Bates-stamped EP 002928.	20	No. 21 Faxes sent to Mr. James Murphy on 208
21	No. 15 Contrato De Fabricación De 173	21	June, 8, 2001, August 10th, 2001 and
22	Indometacina Migrogranulos, and its	22	September 17th, 2001, from Mrs.

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3	No. 22 An e-mail from Roseline Joannes to 216	3	No. 32 A telefax from Václav Rejholec to 289
4	Herrera@belmac.com, cc to Gérard	4	Mr. de Basilio, dated May 20, 1997.
5	Leduc and Patrice Debrégeas on	5	Bates-stamped EP 009200 to
6	Thursday, March 21, 2002, 7:09 p.m.	6	EP 009201.
7	Subject: Agreement. Bates-stamped	7	No. 33 Letter of Intent. 298
8	EP 008591.	8	Bates-stamped EP 009199.
9	No. 23 An e-mail to Mr. Herrera from Gérard 222	9	No. 34 A letter from Maria-Jose Rodriguez 299
10	Leduc, March 21, 2002. Contrato De	10	To Roseline Joannes, dated 8/4/99.
11	Fabricación Y Suministro, and its	11	Bates-stamped EP 009112 to
12	attached English Translation	12	EP 009119.
13	(Manufacturing and Supplying	13	No. 35 Confidentiality & Non-Disclosure 321
14	Agreement). Bates-stamped EP 004844	14	Agreement. Bates-stamped EP 00245
15	and EP008593 to EP 008597.	15	to EP 002454.
16	No. 24 The Complaint. 246	16	No. 36 Facsimile transmittal from James R. 327
17	No. 25 Redacted ACUERDO De SECRETO, and its 250	17	Murphy to Patrice Debrégeas, dated
18	Attached English translation	18	January 28, 1997. Subject: Lab.
19	(Confidentiality Agreement).	19	Belmac Manufacturing for Ethypharm.
20	Bates-stamped BEL000601 to	20	Bates-stamped EP 002106 and
21	BEL000603.	21	EP 002108.
22	No. 26 A letter from Adolfo Herrera to 254	22	No. 37 A letter from Gérard Leduc to James
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1	Adolfo de Basilio, date April 9,	1	Murphy, a copy of a letter sent by
2	2002, and its attached English	2	Spanish subsidiary, Ethypharm, S.A.,
3	translation. Bates-stamped	3	dated April 18, 2002, and its
4	EP 008582 to EP 008582.	4	English translation. Bates-stamped
5	No. 27 A letter from Roseline Joannes to 260	5	EP 002471 to EP002474.
6	David Zubeldia, March 21, 2003.	6	
7	Bates-stamped EP008727 to EP008729.	7	
8	No. 28 Acuerdo De Secreto and its attached 274	8	
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13	No. 29 ACUERDO DE CONFIDENCIALIDAD and its 276	13	
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16	Bates-stamped EP 002741 to	16	
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18	No. 30 Confidentiality Agreement between 279	18	
19	Belmac Corporation and Ethypharm	19	
20	S.A. July 11, 1995. Bates-stamped	20	
21	EP 008081 to EP 008083.	21	
22	No. 31 A fax from Adolfo de Basilio to 283	22	

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## ESQUIRE DEPOSITION SERVICES

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<p>1 PROCEEDINGS</p> <p>2 THE VIDEOGRAPHER: On the record with</p> <p>3 tape number one of the videotaped deposition of</p> <p>4 Roseline Joannesse taken by the Defendants in the</p> <p>09:04:22 5 matter of Ethypharm S.A. Spain and Ethypharm S.A.</p> <p>6 France versus Bentley Pharmaceuticals,</p> <p>7 Incorporated, in the United States District Court</p> <p>8 for the District of Delaware, Civil Action</p> <p>9 No. 04-1300 SLR.</p> <p>09:04:42 10 This deposition is being taken at the</p> <p>11 law offices of Baach, Robinson &amp; Lewis, located at</p> <p>12 1201 F Street, Northwest, in Washington, D.C. on</p> <p>13 July 20th, 2006, at approximately 9:04 a.m.</p> <p>14 My name is T.J. O'Toole, representing</p> <p>09:05:02 15 Esquire Deposition Services. I am the Certified</p> <p>16 Legal Video Specialist.</p> <p>17 The Court Reporter is Tristan-Joseph,</p> <p>18 also representing Esquire Deposition Services.</p> <p>19 Will counsel please introduce themselves</p> <p>09:05:15 20 and indicate which parties they represent.</p> <p>21 MS. ABREU: Good morning, Ms. Joannesse.</p> <p>22 I'm Veronica Abreu and, with my</p>	<p>1 Whereupon,</p> <p>2 ROSELINE JOANNESSE</p> <p>3 Was called as a witness and, having first been duly</p> <p>4 sworn, was examined and testified as follows:</p> <p>10:31:43 5 EXAMINATION BY THE DEFENDANT</p> <p>6 BY MS. ABREU:</p> <p>7 Q. Fair enough. Well, good morning,</p> <p>8 Ms. Joannesse.</p> <p>9 A. Good morning.</p> <p>09:06:30 10 Q. Before we begin, I'd like to thank you</p> <p>11 for coming here all the way from -- from France.</p> <p>12 And -- and as you -- as I introduced myself</p> <p>13 earlier, my name is Veronica Abreu, and I represent</p> <p>14 the Defendant, in this case, Bentley</p> <p>09:06:49 15 Pharmaceuticals.</p> <p>16 As you may know, Bentley</p> <p>17 Pharmaceuticals -- Ethypharm S.A. Spain and</p> <p>18 Ethypharm S.A. France have brought a case in the</p> <p>19 United States against Bentley.</p> <p>09:07:12 20 Mr. Joannesse, would you mind stating</p> <p>21 and spelling your full name for the record, please.</p> <p>22 A. (In English) My name is Roseline</p>
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<p>09:05:19 1 colleague Patricia Higgins, we represent the</p> <p>2 Defendant, in this case, Bentley Pharmaceuticals,</p> <p>3 Inc.</p> <p>4 MR. GRACE: I'm Bruce Grace representing</p> <p>09:05:29 5 Ethypharm.</p> <p>6 THE VIDEOGRAPHER: Thank you.</p> <p>7 Will the Court Reporter -- I'm sorry.</p> <p>8 Will the Interpreter please identify</p> <p>9 himself for the record.</p> <p>09:05:37 10 THE INTERPRETER: My name is Didier</p> <p>11 Devynck, and I'm the Interpreter.</p> <p>12 THE VIDEOGRAPHER: Thank you.</p> <p>13 With the Court Reporter please swear in</p> <p>14 the Interpreter.</p> <p>09:05:43 15 Whereupon,</p> <p>16 DIDIER DEVYNCK</p> <p>17 was called as an Interpreter, and, having first been</p> <p>18 duly sworn, to interpret English into French and</p> <p>19 French into English, translated as follows:</p> <p>09:05:52 20 THE VIDEOGRAPHER: Thank you.</p> <p>21 Will the Interpreter please assist the</p> <p>22 Court Reporter in swearing in the witness.</p>	<p>09:07:22 1 Joannesse, R-O-S-E-L-I-N-E; Joannesse, J-O-A,</p> <p>2 double N, E, double S, E.</p> <p>3 Q. Great. And what is your current</p> <p>4 address?</p> <p>09:07:36 5 A. (In English) my current address is One</p> <p>6 Cheninbrun. Do you want me to spell?</p> <p>7 Q. Please, for the record, yes.</p> <p>8 A. C-H-E-N-I-N-B-R-U-N, Nouailla,</p> <p>9 N-O-U-A-I, double l, a; Maupertues,</p> <p>09:07:49 10 M-A-U-P-E-R-T-U-E-S, in the department of Vien 86</p> <p>11 THE INTERPRETER: I want to make one</p> <p>12 correct. Is N-O-U-I -- N-O-U-R -- sorry.</p> <p>13 N-O-U-A-I-L-L-É with an accent.</p> <p>14 THE WITNESS: What did I say? A?</p> <p>09:08:28 15 THE INTERPRETER: A.</p> <p>16 THE WITNESS: Oh, all right.</p> <p>17 Yeah, sorry.</p> <p>18 BY MS. ABREU:</p> <p>19 Q. It's okay. Have you ever been deposed</p> <p>09:08:30 20 in an American -- for an American case before?</p> <p>21 A. No. It's the first time.</p> <p>22 Q. It's the first time, okay.</p>

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## ESQUIRE DEPOSITION SERVICES

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<p>09:08:35 1 Have you ever been deposed anywhere else 2 in the world -- 3 A. No. 4 Q. -- before? Okay.</p> <p>09:08:37 5 So let me review some basic guidelines 6 of what an American deposition looks like with you 7 before we begin. 8 I will be asking you questions today. I 9 ask that you please respond verbally --</p> <p>09:08:49 10 A. Mm-hmm. 11 Q. -- because if you just go like this 12 (indicating), you nod your head, or like that 13 (indicating), he can't write that down on the 14 record. So if you could please respond --</p> <p>09:08:58 15 A. Mm-hmm. 16 Q. -- verbally that would be very helpful. 17 If you don't understand a question, 18 please say so, and I will rephrase it for you. 19 A. Mm-hmm.</p> <p>09:09:09 20 Q. Your answers are given under oath, as 21 you know, that you've been sworn in. 22 Do you -- do you understand that?</p>	<p>09:10:11 1 attorneys during the breaks. 2 A. Mm-hmm. 3 Q. Great. Are you currently employed 4 Ms. Joannesse?</p> <p>09:10:20 5 A. No. 6 Q. Okay. Where was your last employment? 7 A. In Brussels, Belgium. 8 Q. Okay. And what were the dates of that 9 employment?</p> <p>09:10:32 10 A. From January 2004 until this month. 11 Q. And where did you work in Brussels? 12 A. I worked for the company Eli Lilly. 13 Q. And what did they? 14 A. It's pharmaceutical products.</p> <p>09:10:52 15 Q. Oh, okay. Yeah. Eli -- 16 THE INTERPRETER: Eli Lilly. 17 MS. ABREU: 18 Q. Is that Eli Lilly? 19 A. Eli Lilly.</p> <p>09:10:56 20 Q. Okay, okay. All right. 21 And what was your position there? 22 A. I was an attorney.</p>
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<p>09:09:14 1 A. Yes, yes, I know. 2 Q. Okay. We also ask that only one person 3 speak at a time. So, you know, I will finish my 4 question and then you can respond just for clarity 5 of the record. And that, of course, includes the 6 translator. 7 The translator is here for your -- we -- 8 we understand that you're fluent in English and 9 that's -- that's great. But if -- if, you know, if 10 you need help with anything --</p> <p>09:09:42 11 A. Mm-hmm. 12 Q. -- he's here for that purpose. 13 And if you need a break at any time 14 during today's deposition, please let me know.</p> <p>09:09:53 15 A. Mm-hmm. 16 Q. And we'll -- we'll take a break as soon 17 as there's a good breaking point. The only thing 18 is that we will not be taking a break between a 19 question and an answer. Okay?</p> <p>09:10:04 20 A. Okay. 21 Q. We ask that you please do not discuss 22 your testimony here today with Ethypharm's</p>	<p>09:11:02 1 Q. What kind of attorney? 2 A. I was working for an area which is 3 called Europe and middle size, which includes eight 4 different countries: Scandinavian, Portugal, 5 Switzerland, and Benedicts.</p> <p>09:11:11 6 Q. Okay. Did you -- what kind of law did 7 you practice there? 8 A. European law, any type of product claim, 9 procedure to be put in place like privacy 10 agreements. You do, you know, in a pharmacy, in a 11 company, in fact, you know.</p> <p>09:11:28 12 Q. Are you licensed to practice in Belgium? 13 A. No. 14 Q. Okay.</p> <p>09:11:42 15 A. But I was not practicing Belgium law 16 specifically. 17 Q. And it was EU law that -- that you were 18 dealing with -- 19 A. We were --</p> <p>09:11:48 20 Q. -- primarily? 21 A. -- general, you know. And when we had 22 any specific questions, we would refer to a local</p>

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<p>09:11:53 1 counsel. 2 Q. Okay. And what were your duties and 3 responsibilities there aside from, you know, 4 reviewing agreements and that kind of thing?</p> <p>09:12:06 5 A. Giving any advice to make sure that what 6 was done in the company was correct, in the light 7 of the law, and revising promotion material, 8 dealing with product price, and preparing that as 9 agreements.</p> <p>09:12:24 10 What else? Putting in place data -- 11 data privacy procedures, documentation retention, 12 DonRay procedures, all these types of things, you 13 know -- 14 Q. Yeah.</p> <p>09:12:37 15 A. -- which are put in place collectively 16 by the company. 17 Q. Okay. And we understand you're not 18 currently employed at the moment. Are you about to 19 start a new job in France?</p> <p>09:12:48 20 A. Yes. 21 Q. And where is that? 22 A. I start again with Ethypharm in Jan. --</p>	<p>09:14:01 1 Q. And did you get any sort of signing 2 bonus to start again at Ethypharm or any form of 3 advanced compensation? 4 A. No, no, not at all.</p> <p>09:14:14 5 Q. Okay. Did they pay for your relocation 6 back to France? 7 A. No, no. 8 Q. At some point in the past were you 9 employed at Ethypharm?</p> <p>09:14:26 10 A. Yes, I -- 11 Q. And -- 12 A. -- was. 13 Q. -- what were those dates of your 14 employment?</p> <p>09:14:32 15 A. August 1997 -- well, '96, '96 -- it's a 16 long time ago -- and until end of August 2003. 17 Q. Okay. And what -- during that period, 18 in 1986, what was your title at Ethypharm when you 19 first joined?</p> <p>09:15:03 20 A. I was executive attaché. 21 Q. And what does that mean? 22 THE WITNESS: In French?</p>
Page 23	Page 25
<p>09:12:51 1 in September. 2 Q. Oh, okay. 3 And in what position? 4 A. I'll be legal counsel to the president.</p> <p>09:12:59 5 Q. And that would be who? What is the name 6 of the president to -- for -- 7 A. Gérard Leduc. 8 Q. And when were you hired by Ethypharm to 9 start again in December?</p> <p>09:13:24 10 A. Can you repeat the question? 11 Q. Sure. When were you hired -- 12 A. When -- 13 Q. -- start again in September at 14 Ethypharm?</p> <p>09:13:34 15 A. Well, over the past few months. 16 Q. Past few months? 17 A. Yeah, well, I had discussion that could 18 stay with Lilly or start again with Ethypharm -- 19 Q. I see.</p> <p>09:13:43 20 A. -- so. 21 Q. Okay. And who hired you? 22 A. Gérard Leduc, the general manager.</p>	<p>09:15:11 1 THE INTERPRETER: Yeah. Executive 2 attaché would be correct, yes. 3 BY MS. ABREU: 4 Q. And -- and during what years did you 5 hold that position?</p> <p>09:15:16 6 A. I just can't recall exactly, because I 7 change title afterwards I became head of -- 8 responsible for contracts, something like that. 9 And I don't remember exactly the title I had at the 10 time. And then I became in charge of contract 11 industry of property. 12 Q. So you were executive attaché, then head 13 of contracts? 14 A. Yes.</p> <p>09:15:42 15 Q. And then? 16 A. What was my title. 17 (Inquiry to the Interpreter.) 18 THE INTERPRETER: Legal director for 19 contracting and industry property.</p> <p>09:15:55 20 BY MS. ABREU: 21 Q. Do you remember when you became legal 22 director?</p>

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<p>09:15:58 1 A. The year exactly, 2001, 2000. It's 2 something like that. I would not recall exactly 3 the date, you know. I'm sorry for that. 4 Q. No problem. 09:16:11 5 And before becoming a legal director 6 you're head of contracts? 7 A. Yes. 8 Q. Okay. And before that executive 9 attaché? 09:16:17 10 A. Yes. 11 Q. What were your responsibilities as 12 executive attaché? 13 A. I was preparing contracts, following up 14 on contracts and industrial property matters, doing 09:16:32 15 plenty of different things for -- for the 16 management. 17 Q. In a legal capacity or not or in an 18 executive capacity? 19 A. In your executive and legal capacity, 09:16:46 20 both. 21 Q. So both? 22 A. Mm-hmm.</p>	<p>09:17:36 1 Q. And what were some of those tasks that 2 you had? 3 A. It was taking care of export as well. I 4 was taking care of trademarks, filling out for the 09:17:49 5 subjects with -- with external counsels, preparing 6 agreements, as I told you. I just can't recall all 7 the -- all the things I've done during that period. 8 Q. Were you involved with patent 9 applications? 09:18:09 10 A. Not -- not so much at that time. 11 Q. Okay. With confidentiality agreements? 12 A. Yes. 13 Q. Yes. 14 A. Yes. 09:18:15 15 Q. Okay. 16 A. That's part of the agreements. 17 Q. Just general agreement, okay. 18 And what was -- who did you report to as 19 executive attaché? 09:18:28 20 A. Gérard Leduc. 21 Q. Anyone else? 22 A. My direct reporting was Gérard Leduc,</p>
Page 27	Page 29
<p>09:16:48 1 Q. Okay. And do you remember approximately 2 how many years you worked as an executive attaché? 3 I know you don't -- 4 A. No -- 09:17:03 5 Q. -- remember -- 6 A. -- no, I don't. 7 Q. -- precisely? 8 A. I couldn't tell you precisely. 9 Q. A year? Two years? Four years? 09:17:09 10 A. Maybe three, three years, something like 11 that or more. I just can't -- can't recall 12 exactly. 13 Q. Okay. And did you do anything else 14 aside for preparing contracts for management as an 09:17:23 15 executive attaché? 16 A. I did plenty of things here that I 17 prepared. You know, at the time, this was a small 18 company. So you were doing plenty of different 19 tasks. I mean, it's just not like in big companies 09:17:33 20 where everybody has a specific role -- 21 Q. Uh-huh. 22 A. -- so.</p>	<p>09:18:40 1 the direct one. 2 Q. Okay? And is that -- were you part of 3 an office of a specific division or office of 4 Ethypharm? 09:18:48 5 A. No, it was too small. 6 Q. Too small. 7 A. It's a small company. 8 Q. How many people worked at Ethypharm at 9 that time? 09:18:55 10 A. Eighteen people, roughly. 11 Q. Okay. And how long did you work as head 12 of contracts? 13 A. Exactly I can't tell you, but for -- for 14 some years as well. I mean, six, seven years. I 09:19:11 15 just can't recall exactly, you know. I have not 16 revised by C.V. so. 17 Q. Okay. So maybe from approximately 1990 18 through '96? 19 A. I just can't tell you. Frankly, I can't 09:19:26 20 tell you -- 21 Q. Okay. 22 A. -- because I just don't have the head --</p>

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<p>09:19:27 1 the dates in my head.  2 Q. Sure. And what were your duties and  3 responsibilities as head of contracts?  4 A. Again, you know, taking care of all the  09:19:36 5 contracts, again, or industry of property. And I  6 became more involved with patent applications as  7 well. And while preparing joint venture, joint  8 venture contracts, creation of companies.  9 Q. And when you say "creation of  09:20:03 10 companies," you mean --  11 A. Well --  12 Q. -- subsidiaries?  13 A. Yes, subsidiaries.  14 Q. Anything else?  09:20:16 15 A. Again, you know, the daily work I have  16 in type of -- in this field so.  17 Q. And when you say "this field," what do  18 you mean?  19 A. Well, I know this area of contracting  09:20:29 20 industrial property.  21 Q. Okay. And as head of contracts were you  22 part of a specific department at Ethypharm?</p>	<p>09:21:56 1 Q. Okay.  2 A. So I was dealing mainly with all the  3 contractual aspects, IP, and aspects of new  4 technology.  09:22:24 5 Q. And that was part of the legal  6 department?  7 A. Mm-hmm.  8 Q. Okay. And you said that there was a  9 share of legal aspects that were not in your hands.  09:22:31 10 A. Yes.  11 Q. Who hands were they -- was that?  12 A. Half to Debrégeas, and some of Mr.  13 Debrégeas.  14 Q. And what did he do?  09:22:38 15 A. He was doing all the other aspects in a  16 company, company law, and relationship litigation  17 and suppliers, these type of things. So all the  18 things which were related to -- to the company,  19 business of others, and the agreements, and IP  09:23:03 20 things.  21 Q. Okay. So he handled all litigation  22 matters and litigation with suppliers and --</p>
Page 31	Page 33
<p>09:20:36 1 A. Well, slowly by slowly the legal  2 department was created, you know. So initially, we  3 were two people, and then we -- we hired more --  4 more lawyers to work.  09:20:53 5 Q. Who were the initial two people?  6 A. Myself and -- and another lawyer who  7 left the company afterwards.  8 Q. And what is that other lawyer's name?  9 A. It was at the time -- well, we had  09:21:01 10 several. We had Cecile Violette and Cecile  11 Raynaud.  12 THE INTERPRETER: Spelling it?  13 C-E-C-I-L-E V-I-O-L-E-T-T-E.  14 Cr -- again, Cecile and R-A-Y-N-A-U-D.  09:21:32 15 BY MS. ABREU:  16 Q. Okay. And who did you report to as head  17 of contracts?  18 A. Gérard Leduc.  19 Q. Okay. And then you said you became the  09:21:46 20 director of -- the legal director?  21 A. Not the legal director because there was  22 a shared, legal matters which were not in my hands.</p>	<p>09:23:07 1 A. Yes.  2 Q. -- and dealing with customers?  3 A. Yes. It was customers. It was -- it  4 depends. I mean, if it was in relation with an  09:23:15 5 agreement, I would do it.  6 Q. Okay. And who did you report to?  7 A. Who did I report to?  8 Q. Uh-huh.  9 A. Gérard Leduc.  09:23:32 10 Q. So always to Gérard Leduc? Okay.  11 A. Well, I was working also with Patrice  12 Debrégeas but it's mainly Gérard Leduc.  13 Q. Okay. And do you remember approximately  14 how long you had the position of legal director?  09:23:47 15 A. Who?  16 Q. You.  17 A. Roughly, it should be three years;  18 roughly, I would say. I forget.  19 Q. Okay. And in any of your positions did  09:24:06 20 you deal with clients at all with customers at the  21 firm?  22 A. Yes.</p>

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09:24:10	1 Q. Yes?	09:26:19	1 THE WITNESS: Neliot, N-E-L-I-O-T.
	2 A. Yes, I was dealing with clients		2 And the last name, which is not an easy
	3 negotiating agreements.		3 one.
	4 Q. Okay. Both as France and outside of		4 THE INTERPRETER: Juliette,
09:24:22	5 France?	09:26:28	5 J-U-L-I-E-T-T-E.
	6 A. Yeah.		6 THE WITNESS: Oposcinzky,
	7 Q. And did you -- in your position would		7 O-P-O-S-C-I-N-Z-K-Y.
	8 you negotiate any agreement with clients?		8 THE INTERPRETER: Z-K --
	9 A. Well, roughly, yes. Yes, I would say in		9 THE WITNESS: Yeah. Z-K-Y.
09:24:48	10 the agreement.	09:26:35	10 THE INTERPRETER: Z-K-Y.
	11 MR. GRACE: I'm just going to object. I		11 THE WITNESS: I can't remember. I'm not
	12 thought it was vague.		12 so sure of the spelling of this last name.
	13 MS. ABREU: Okay.		13 BY MS. ABREU:
	14 BY MS. ABREU:		14 Q. Fair enough.
09:25:01	15 Q. And in your positions you also mentioned	09:27:08	15 Do you remember approximately when Agnes
	16 that you were responsible for drafting all		16 joined Ethypharm and joined your team?
	17 agreements that Ethypharm entered into; is that		17 A. Frankly speaking, no. Maybe 2000, 2001,
	18 correct?		18 something like that.
	19 A. Yes.		19 Q. How about Jurjulie?
09:25:12	20 Q. Okay.	09:27:30	20 A. Jurjulie, around the same period.
	21 A. But I was not the only one at the end		21 Q. Okay.
	22 drafting agreements.		22 A. And Juliette is a little bit before.
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09:25:16	1 Q. Who was -- who else was drafting	09:27:38	1 Q. So maybe '99 for Juliette or 2000?
	2 agreements at the end?		2 A. No, more than that. Let's say '98. But
	3 A. Well, I had a team of lawyers.		3 again, I'm not sure of the dates.
	4 Q. Did you supervise them?		4 Q. Okay. So prior to '98 would it be fair
09:25:23	5 A. Yes.	09:27:52	5 to say that you and maybe Cecile, the two Ceciles,
	6 Q. Okay. So would you have reviewed any		6 were the only people involved in --
	7 agreements that they drafted as well?		7 A. I wouldn't say --
	8 A. Most of them.		8 Q. -- drafting contracts?
	9 Q. Anything that would have been considered		9 A. -- we were -- I wouldn't say we were the
09:25:38	10 important for the company you would have expected	09:28:05	10 only people because some -- some of the agreements
	11 to have drafted or reviewed yourself?		11 were sometimes drafted by the subsidiaries
	12 A. Yes.		12 themselves but --
	13 Q. Okay. And who -- who was in your team		13 Q. Oh, I see.
	14 of lawyers that -- that you supervised that also		14 A. -- most of the things, which were coming
09:25:57	15 drafted agreements?	09:28:14	15 to France, were drafted in France.
	16 A. There were three lawyers: Agnes Naquin,		16 Q. And when agreements were drafted by the
	17 N-A-Q-U-I-N.		17 subsidiaries, would the subsidiaries run those
	18 THE INTERPRETER: The first name is		18 agreements by you or --
	19 Agnes.		19 A. It depends, it depends. That should
09:26:12	20 THE WITNESS: Jurjulie Neliot.	09:28:32	20 have been the rule but that was not always the
	21 THE INTERPRETER: G -- J-U-R-J-U-L-I-E.		21 case.
	22 Neliot?		22 Q. Mm-hmm. Okay. And you said that as

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<p>09:28:47 1 head of contracts you're involved in the creation 2 of some subsidiaries. 3 Were you involved in the creation of 4 Ethypharm Spain? 09:28:55 5 A. No. 6 Q. No. Who was involved in the creation of 7 Ethypharm Spain? 8 A. The management and some external lawyers 9 at the time in Spain. 09:29:06 10 Q. Do you -- who in management was involved 11 in that? 12 A. Gérard Leduc, Patrice Debrégeas. 13 Q. And do you recall the names of the 14 outside lawyers? 09:29:20 15 A. No. 16 Q. Do you recall what country those outside 17 lawyers practiced in? 18 A. Excuse me, can you repeat? 19 Q. Sure. 09:29:30 20 Do you recall where those outside 21 lawyers practiced? 22 A. In Spain.</p>	<p>09:30:28 1 Q. What licenses? 2 A. English and Spanish. 3 Q. Are you fluent in both of those 4 languages? 09:30:41 5 A. Well, you can judge by yourself in 6 English. 7 (Laughter.) 8 Q. Sure. 9 A. And Spanish it's the same. 09:30:45 10 Q. Okay. So you can both speak and -- and 11 read -- 12 A. And read. 13 Q. -- and -- 14 A. Yeah. 09:30:49 15 Q. -- and write fluently in all of those 16 languages? 17 A. Write in Spanish, not so much -- 18 Q. Okay. 19 A. -- no. So it's not difficult to write 09:30:58 20 than to speak and read, I have haven't practiced 21 enough -- 22 Q. Yeah.</p>
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<p>09:29:33 1 Q. In Spain? 2 A. Yeah, Madrid in Spain. 3 Q. In Madrid? 4 A. With the machine, in Madrid, yes, 09:29:43 5 because the subsidiary was based in Madrid. 6 Q. Okay. Could you tell me a little bit 7 about your educational background. Where did you 8 go to a university? 9 A. I went to Université de Tours. And then 09:30:02 10 I -- 11 Q. Could you please spell that for the 12 record? 13 A. Sure. T-O-U-R-S. 14 Q. Mm-hmm. 09:30:13 15 A. And then I did school in Paris. 16 THE INTERPRETER: That school is 17 publicized basically. 18 BY MS. ABREU: 19 Q. And when you're at the Université de 09:30:20 20 Tours, what -- what -- what did you get your degree 21 in? 22 A. I got a degree in languages.</p>	<p>09:31:02 1 A. -- writing. 2 Q. Right. But do you write English 3 fluently? 4 A. Yes. 09:31:06 5 Q. Okay. And you read English fluently? 6 A. Yes. 7 Q. And you certainly speak English 8 fluently; do you agree? 9 A. Yes, I suppose. 09:31:18 10 Q. All right. So would you say that you 11 speak Spanish fluently? 12 A. Yes. 13 Q. And you read Spanish fluently? 14 A. Yes. 09:31:25 15 Q. And how would you characterize your 16 writing in Spanish? 17 A. Not so -- so -- not so good. I make too 18 many grammatic -- grammatical mistakes. 19 Q. Okay. Okay. Back to your degrees. In 09:31:43 20 Ceonspool (phonetic), what did you get your degree 21 in? 22 A. In international relations.</p>

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09:31:55	1 Q. Was that your last university degree?	09:34:03	1 BY MS. ABREU:
	2 A. No. I also did the CP in Strasburg,		2 Q. Yeah, you can -- it's a matter of fact.
	3 Université of Strasburg to graduate in patent and		3 You can answer the question.
	4 trademark law.		4 A. Well, not as such. I mean, if you're
09:32:17	5 Q. And when did you get that degree?	09:34:06	5 talking about matters of trade --
	6 A. Ninety-five for trademarks; in '96, for		6 MR. GRACE: Actually, just, you know,
	7 patents. Yeah, I think it's '95 and '96.		7 it's not just a matter of fact. I mean the word
	8 Q. And prior to 1995 and 1996, did you have		8 "license" means have permission to.
	9 any legal degree?		9 THE WITNESS: Yeah.
09:32:40	10 A. Not -- not as such.	09:34:12	10 MS. ABREU: Counsel, I'm entitled to
	11 Q. Okay. And when you say "not as such,"		11 know her educational background in training and --
	12 what do you mean by that?		12 MR. GRACE: No, I understand. But I'm
	13 A. I -- I did some -- I studied law during		13 just saying it's not just a matter of fact.
	14 my -- my -- my studies at the Université of Tours,		14 MS. ABREU: It is a matter of fact, and
09:32:54	15 because this was part of the university courses and	09:34:19	15 I'm entitled to the answer.
	16 also at Ceonspool where I did also international		16 BY MS. ABREU:
	17 law.		17 Q. And if you could please answer the
	18 Q. Okay. And when you say you studied law,		18 question.
	19 does that mean you took a course or two?		19 A. Yes. Well, if you're talking about
09:33:10	20 A. Yes, there were -- there were a course.	09:34:23	20 having a degree, I don't have a degree in law --
	21 Q. Okay.		21 Q. Mm-hmm.
	22 A. -- yeah.		22 A. -- as such. I have a lot of experience.
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09:33:13	1 Q. But you didn't have a degree in law --	09:34:29	1 Because I've practiced law for many, many years,
	2 A. No.		2 and I learned quite a lot. And I believe that I
	3 Q. -- until 1995 --		3 have proved that I have some capacity to practice
	4 A. No.		4 law in a company, not in front of the court,
09:33:16	5 Q. -- and 1996? Okay.	09:34:41	5 obviously.
	6 And were you licensed? Are you licensed		6 Q. Sure. And we'll -- and we'll certainly
	7 to practice law in France?		7 ask about your experience.
	8 A. No.		8 What I'd like to understand right now is
	9 Q. Are you licensed to practice law		9 your -- whether you're licensed to practice, in a
09:33:31	10 anywhere in the world?	09:34:53	10 company, law. And we understand you're not
	11 A. No. You mean to practice law in front		11 licensed to practice before a bar.
	12 of the bar, obviously, because, in fact, when you		12 What is the procedure in France for
	13 worked in a company you don't need to be registered		13 practicing law inside of a -- a company? What kind
	14 to any bar at all.		14 of qualifications do you need?
09:33:49	15 Q. Are you licensed to practice law in any	09:35:06	15 A. Well, you need to -- to -- to know law.
	16 form?		16 I mean, you don't need to, sort of, have a degree.
	17 MR. GRACE: Objection. Calls for a		17 You have experience. You have the degree at the
	18 legal conclusion.		18 university, but you don't need to be registered.
	19 MS. ABREU: No, counsel --		19 It's different from the -- from the UK, for
09:33:58	20 MR. GRACE: But you can answer as a	09:35:20	20 example, where you have to -- to register and to --
	21 matter of fact.		21 to be trained every year to keep your -- your
	22		22 license --

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09:35:26	1 Q. Mm-hmm.	09:36:58	1 A. -- I participated to a -- to different
	2 A. -- to practice. That's not the same in	2	legal training, which are organized by private
	3 France at all.	3	company, by a private firm, as you know, to
	4 Q. Mm-hmm.	4	improve -- you have some companies like -- well,
09:35:30	5 A. But if you want to go to a court,	09:37:13	5 you want the name of one? Tell you anything but,
	6 obviously, you need to have a certain degree.	6	you know, you have plenty of companies organization
	7 Q. Okay. But if you don't want to go to	7	things, some competition law, on your EU law, on
	8 court and you just want to practice inside a	8	contractual law. So I attended these type of -- of
	9 corporation, what is the procedure in France?	9	seminars.
09:35:40	10 A. Well, the procedure is that either you	09:37:30	10 Q. And were these seminars run by -- when
	11 have a law degree from a university or either you	11	you say private company, do you mean private
	12 have experience.	12	corporations?
	13 Q. Okay. And how do you obtain that	13	A. Yes, private corporations.
	14 experience?	14	Q. Okay. Do you recall how many seminars,
09:35:50	15 A. Well, it's throughout the years.	09:37:43	15 approximately, you've attended throughout your
	16 Q. Okay.	16	career?
	17 A. I'm working with external legal	17	A. No. You're talking about a period of 17
	18 counsel --	18	years. So, I mean, it's --
	19 Q. Okay.	19	Q. Okay.
09:35:56	20 A. -- now.	09:37:48	20 A. -- it's a bit difficult to recall.
	21 Q. Are you licensed to practice law before	21	Q. Would you say you attended one or two a
	22 the European Trademark and Patent Office?	22	year?
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09:36:03	1 A. No.	09:37:55	1 A. Yes, roughly.
	2 Q. Okay. Before the French Trademark and	2	Q. Okay.
	3 Patent Office?	3	A. Maybe more sometimes.
	4 A. No.	4	Q. Do you have any other legal training
09:36:23	5 Q. Are you licensed to practice law in any	09:38:08	5 besides attending these seminars?
	6 context anywhere?	6	A. I learned a lot from external counsels,
	7 MR. GRACE: Objection.	7	working will external counsels. So, I mean, if you
	8 BY MS. ABREU:	8	can count that as legal training, but that teaches
	9 Q. You're entitled to answer. Yeah, you	9	you a lot.
09:36:33	10 can answer the question.	09:38:25	10 Q. How often did you work with outside
	11 MR. GRACE: Go ahead and answer it.	11	counsel?
	12 THE WITNESS: Okay.	12	A. On a regular basis.
	13 No.	13	Q. Okay. When you say "on a regular
	14 BY MS. ABREU:	14	basis," do you say -- do you mean once or twice a
09:36:38	15 Q. Okay. You mentioned you had some	09:38:35	15 month? Once or twice a year?
	16 experience practicing law. I'd like to talk to you	16	A. It depends on the subject you have to
	17 about that a little bit.	17	deal with. It's when you have something to --
	18 A. Mm-hmm.	18	to -- to treat. I mean, you contact an external
	19 Q. What kind of legal training do you have	19	lawyer --
09:36:55	20 aside from a --	09:38:49	20 Q. Okay.
	21 A. Well --	21	A. -- so.
	22 Q. -- degree?	22	Q. Do you recall approximately with what

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<p>09:38:53 1 frequency you contacted external --  2 A. Well --  3 Q. -- lawyers?  4 A. -- we'll one or two months, once or  09:38:57 5 twice a month. But that can be on a regular basis.  6 But sometimes it can be every -- every day if you  7 have something to -- to discuss. It depends on the  8 subject matter.  9 Q. Sure. And how long have you worked in a  09:39:19 10 legal capacity inside corporations?  11 A. For -- well, as such, more than 15  12 years.  13 Q. Okay. And was the bulk of that at  14 Ethypharm of that -- of those 15 --  09:39:47 15 A. Yes.  16 Q. -- years?  17 A. Yes.  18 Q. Okay. Okay.  19 A. So except for -- for the past two or  09:39:52 20 three years.  21 Q. For the past two or three years that you  22 were in --</p>	<p>09:40:43 1 background is?  2 A. He's a chemical engineer. He graduate  3 also in patent and trademark at the University of  4 Strasburg.  09:40:56 5 Q. Mm-hmm.  6 A. And he did an MBA in marketing,  7 something like that so.  8 Q. Do you know if he's licensed to practice  9 law?  09:41:06 10 A. No. As far as I know, no.  11 Q. Did he have any legal role at Ethypharm?  12 MR. GRACE: Objection. Calls for a  13 legal conclusion.  14 THE WITNESS: Was --  09:41:22 15 BY MS. ABREU:  16 Q. You can answer.  17 A. He was a general manager of the --  18 Q. Okay.  19 A. -- company.  09:41:27 20 Q. Just general manager.  21 Did he work with the legal department?  22 A. Was working as general manager.</p>
Page 51	Page 53
<p>09:39:55 1 A. Yeah.  2 Q. -- Brussels?  3 So say 13 of those years were at  4 Ethypharm?  09:40:01 5 A. Mm-hmm.  6 Q. So your experience was pretty much the  7 experience you had at Ethypharm drafting  8 contracts --  9 A. Mm-hmm.  09:40:09 10 Q. -- and -- and -- and some involvement in  11 IP; is that correct?  12 A. Yes.  13 Q. Okay. Okay. Is there any other legal  14 training or education or licensing that you have  09:40:22 15 that we have not yet discussed?  16 A. I don't believe so, no.  17 Q. Okay. Okay. Okay. Fair enough.  18 Aside from Mr. -- let's talk about  19 Mr. Leduc for a little bit, because you mentioned  09:40:39 20 you reported to him.  21 A. Mm-hmm.  22 Q. Do you know what his educational</p>	<p>09:41:32 1 Q. Okay. During your employment at  2 Ethypharm were you ever on the Ethypharm Board of  3 Directors?  4 A. Yes, at a -- at a period.  09:41:48 5 Q. Do you recall what that period was?  6 A. 2000, 2000-2002.  7 Q. Okay. And what was your role on the  8 Board of Directors during that period?  9 A. Just -- just having to look at the  09:42:12 10 problems, you know, with the other directors in  11 improving the -- the management and the functioning  12 of the company. And as far as I was concerned.  13 That was in relation with the legal department, my  14 share of the legal department.  09:42:24 15 Q. Mm-hmm. Would you also say that by  16 looking at problems you had a managerial role?  17 A. Some way.  18 Q. Okay. Prior to Ethypharm were you  19 employed?  09:42:47 20 A. No.  21 Q. Okay. Were you in school?  22 A. Yes.</p>

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09:42:48	1 Q. Okay. So you joined Ethypharm right	09:44:44	1 A. No, he is not. That's why I'm back.
	2 after school?		2 Q. Okay. Fair enough. All right. Okay.
	3 A. Yes.		3 Ms. Joannesse, have you ever of my
	4 Q. Okay. What were the circumstances of		4 client Bentley Pharmaceuticals, Inc.?
09:42:56	5 your depart -- departure from Ethypharm?	09:45:00	5 A. Yes.
	6 A. My husband was now in Brussels, the		6 Q. Okay. Is it okay with you if I refer to
	7 Urban Commission.		7 Bentley as Bentley during this deposition?
	8 Q. Mm-hmm. And this was in August of --		8 A. Yes.
	9 A. Yes.		9 Q. Okay. Have you ever heard of
09:43:06	10 Q. -- 2003?	09:45:09	10 Laboratorios Belmac S.A.?
	11 A. Yes.		11 A. Yes.
	12 Q. So did you resign your position at		12 Q. Yes.
	13 Ethypharm?		13 And what is your understanding of what
	14 A. Yes.		14 Laboratorios Belmac S.A. does?
09:43:37	15 Q. Were you asked to leave?	09:45:22	15 A. Manufacturing pharmaceutical products.
	16 A. No.		16 Q. Okay. And where is it located?
	17 Q. Before you left Ethypharm in August of		17 A. S.A. -- S.A., you're talking about the
	18 2003, had you been -- had your performance been		18 Spanish or the American one corporation.
	19 reviewed?		19 Q. Laboratorios --
09:43:56	20 A. Yes --	09:45:32	20 A. Laboratorios.
	21 Q. Okay.		21 Q. -- Belmac S.A.?
	22 A. -- as everyone.		22 A. So it's located in Madrid and Zaragoza.
Page 55		Page 57	
09:43:58	1 Q. Okay. Sure. And what were the -- what	09:45:38	1 Q. And Madrid and Zaragoza.
	2 kind of performance reviews did you get in, let's		2 And do you know -- are you aware of any
	3 say, the last performance review before you left		3 relationship between Bentley and Laboratorios
	4 Ethypharm.		4 Belmac?
09:44:09	5 A. Well, everything was fine.	09:45:52	5 A. Yes.
	6 Q. Okay.		6 Q. And what is that relationship?
	7 A. No, it was not a performance review as		7 A. Bentley is the mother company of
	8 in big companies, where you have everything, which		8 Laboratorios Belmac.
	9 is very --		9 Q. Okay. And when you say "mother
09:44:19	10 Q. Sure.	09:45:52	10 company," would it -- would you say is that -- does
	11 A. -- straight. It's just talking more --		11 that mean Laboratorios Belmac is a subsidiary of
	12 Q. Sure.		12 Bentley Pharmaceuticals?
	13 A. -- and fixing the problems.		13 A. I don't know exactly the exact -- the
	14 Q. Sure. And what did they say about your		14 format of the relationship between the companies.
09:44:24	15 performance?	09:46:03	15 Q. Mother company in France, when you say
	16 A. Nothing special. I mean it was fine.		16 something is a mother company, what do you mean by
	17 Q. Okay. Was it Mr. Leduc who reviewed		17 that?
	18 the --		18 A. It's owning the capital of -- of the
	19 A. Yes.		19 subsidiary. Actually, it's a parent company.
09:44:32	20 Q. -- performance?	09:46:16	20 Q. A parent, okay.
	21 A. Yes.		21 So -- so -- so Bentley is the parent
	22 Q. And is your husband still on Commission?		22 company of Laboratorios Belmac S.A. you're saying?

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09:46:21	1 A. I'd be very careful with the words in	09:47:46	1 Q. And in the corridor of where?
	2 English to make sure that we use the -- I used the		2 A. The offices there in -- in France.
	3 proper words. And what I mean is that Bentley is		3 Q. Okay. Do you remember whether that was
	4 owning the capital of the Laboratorios Belmac.		4 early on in your tenure at Ethypharm or toward the
09:46:35	5 Q. Just like Ethypharm France owns --	09:48:03	5 end of it?
	6 A. Yes.		6 A. Toward the end, I would say. We were in
	7 Q. -- Ethypharm Spain?		7 Saint Cloud already.
	8 A. Yes.		8 Q. Saint Cloud.
	9 Q. So Ethypharm Spain is a subsidiary of		9 So around the year 2000, 2003, something
09:46:42	10 Ethypharm France --	09:48:16	10 like that?
	11 A. Yes.		11 A. No, before that.
	12 Q. -- correct?		12 Q. Okay.
	13 A. Yes, correct.		13 A. I think so. But I -- I just can't
	14 Q. So Laboratorios Belmac is a subsidiary		14 remember --
09:46:45	15 of Bentley; is that correct?	09:48:21	15 Q. You can't?
	16 A. I -- I think so, yes.		16 A. -- exactly the day, but I think it was
	17 Q. Okay.		17 before -- it was, for sure, before 2003.
	18 A. That's my understanding.		18 Q. Okay. So --
	19 Q. That's your understanding.		19 A. It was probably 1999 or 2000, maybe
09:46:50	20 And was that your understanding while	09:48:30	20 2000, but I just don't recall exactly.
	21 you worked at Ethypharm?		21 Q. Okay. Had you heard of Mr. Murphy
	22 A. Yes.		22 before you met him?
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09:46:54	1 Q. Okay. During this deposition is it okay	09:48:41	1 A. Oh, yes.
	2 if I refer to Laboratorios Belmac S.A. as Belmac?		2 Q. Okay. From whom?
	3 A. Yes.		3 A. From the exchange we had on the issues
	4 Q. Okay. Have you ever heard of James		4 in relation with Belmac.
09:47:08	5 Murphy?	09:48:52	5 Q. Mm-hmm?
	6 A. Yes.		6 A. So correspondence between Mr. Debrégeas
	7 Q. Okay. And -- and who is he?		7 and Mr. Leduc.
	8 A. Is the president of Bentley and -- and		8 Q. Okay. And when would you say was the
	9 also he had -- I think he has a position as		9 first time you heard Mr. Murphy's name?
09:47:18	10 director, something like that, in Belmac.	09:49:03	10 A. It's difficult to say. I mean, I think
	11 Q. In Belmac in Spain?		11 it's -- I think it's when -- when Belmac
	12 A. But for me, he's the president of		12 Corporation bought Rimafar, around these years. I
	13 Bentley, first.		13 can't remember exactly. But from the beginning,
	14 Q. Okay. But you are aware, while you		14 the name appeared in the -- in the conversation,
09:47:26	15 worked at Ethypharm that he had both positions --	09:49:25	15 but I wouldn't say exactly the year either, but
	16 A. Yes.		16 some time ago.
	17 Q. -- correct? Okay.		17 Q. Okay. And from the beginning, were you
	18 And when -- do you recall approximately		18 aware that he had both roles, the one in Belmac in
	19 when you first met Mr. Murphy?		19 Spain and the one in Bentley in the United States?
09:47:40	20 A. No, I can't tell. You know, I just met	09:49:43	20 A. Yes.
	21 him in the corridor once, but I won't say exactly		21 Q. Okay. And at that time, I understand it
	22 which -- which year it was.		22 may have been called Belmac Corporation but I'll

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<p>09:49:52 1 refer --  2 A. Yes.  3 Q. -- Bentley in the United --  4 A. Yeah.  09:49:56 5 Q. -- in the United States. And it's  6 Belmac Corporation United States --  7 A. Yeah.  8 Q. -- as Bentley for -- for ease of  9 reference. Is that okay with you?  09:50:01 10 A. That's fine.  11 Q. Okay.  12 MS. ABREU: I'd like to mark the  13 business card, please, as Exhibit 1.  14 (Joannesse Deposition Exhibit No. 1  09:50:16 15 was marked for Identification.)  16 (Witness reviews document.)  17 BY MS. ABREU:  18 Q. Ms. Joannesse if you could please review  19 Exhibit 1 and tell me if you have seen that  09:51:07 20 document before?  21 A. Most probably, yes.  22 Q. Okay. Okay.</p>	<p>09:52:06 1 Ethypharm in -- in France was there -- you  2 mentioned that Ethypharm Spain was a subsidiary --  3 A. Mm-hmm.  4 Q. -- is that correct?  09:52:19 5 Were you ever involved with the business  6 of Ethypharm S.A. Spain?  7 A. No.  8 Q. Okay. Were you ever involved with any  9 of the legal issues in the contracts of Ethypharm  09:52:28 10 Spain?  11 A. Yes, sometimes on some location, yes.  12 Q. Okay. And what was that involvement  13 that you had?  14 A. When we -- we had customers for Spain,  09:52:42 15 for example, we were drafting some agreements, as I  16 told you before.  17 Q. Did you also draft agreements with the  18 suppliers of Ethypharm Spain?  19 A. With the suppliers themselves, not so  09:53:05 20 many.  21 Q. Okay.  22 A. No. We had not so many.</p>
Page 63	Page 65
<p>09:51:14 1 A. Most probably.  2 Q. And is it -- is it okay with you, can we  3 agree that that is Mr. Murphy's business card from  4 Bentley Pharmaceuticals Inc.?  09:51:25 5 A. Yes.  6 Q. Okay. And is it fair to say, given your  7 prior testimony today, that throughout your  8 employment at Ethypharm, as you said from the very  9 beginning after -- shortly after Belmac Corporation  09:51:39 10 purchased Rimafar, that you were aware that  11 Mr. Murphy had those positions as Chairman and CEO  12 of Bentley Pharmaceuticals Inc.?  13 A. Yes.  14 Q. Okay. Thank you.  09:51:56 15 A. We can use --  16 Q. You can keep that.  17 A. Ah.  18 Q. We'll just keep putting all the --  19 A. Okay.  09:51:59 20 Q. -- exhibits on top of each other and the  21 Court Reporter will take them at the end.  22 Okay. During your employment at</p>	<p>09:53:08 1 Q. While you were there, who was the  2 biggest customer of Ethypharm Spain at the time?  3 Do you recall?  4 A. When? Which time?  09:53:16 5 Q. Throughout your tenure at Ethypharm, if  6 it changed, if you could please --  7 A. The biggest --  8 Q. -- tell us.  9 A. -- customers, it depends on -- on the  09:53:23 10 products, obviously, that we had. They had several  11 customers.  12 Q. For Omeprazole, who was the biggest  13 customer?  14 A. For -- for Omeprazole, they had  09:53:34 15 different, and I think that Belmac was probably  16 the -- the biggest customer.  17 Q. Okay. So were you involved in drafting  18 agreements between Ethypharm Spain or any Ethypharm  19 entity in Laboratorios Belmac?  09:53:50 20 A. Yes. Some of them, yes.  21 Q. And who was involved in draft -- who  22 else was involved in drafting agreements with --</p>

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<p>09:53:58 1 with Belmac?</p> <p>2 A. As I told you, some time. But for</p> <p>3 Belmac, itself, I can't tell. But sometime the</p> <p>4 subsidiary was working, drafting small agreements</p> <p>09:54:12 5 themselves or asking a local attorney to do it.</p> <p>6 Q. They drafted small disagreements, but</p> <p>7 any major or an employment agreement --</p> <p>8 A. Mm-hmm.</p> <p>9 Q. -- would have been run by you. Correct?</p> <p>09:54:27 10 A. Normally, yes.</p> <p>11 Q. Okay. Did you have any positions at any</p> <p>12 other Ethypharm entity --</p> <p>13 A. No.</p> <p>14 Q. -- while -- you were at just France?</p> <p>09:54:41 15 A. Yes.</p> <p>16 Q. Okay.</p> <p>17 MR. GRACE: You should let counsel</p> <p>18 finish her question before you answer.</p> <p>19 THE WITNESS: Mm-hmm.</p> <p>09:54:49 20 MR. GRACE: Okay. You're talking over</p> <p>21 her a little bit.</p> <p>22 THE WITNESS: Okay. Sorry.</p>	<p>09:56:02 1 involved with?</p> <p>2 A. Agreement and IP.</p> <p>3 Q. Do you recall about how frequently you</p> <p>4 were in touch with Ethypharm Spain during your</p> <p>09:56:23 5 tenure at Ethypharm?</p> <p>6 A. Like, again, it depends on the subject</p> <p>7 you have to deal with. But I would say every month</p> <p>8 obviously, at least once -- once a month.</p> <p>9 Q. Were you ever in touch with Ethypharm</p> <p>09:56:38 10 Spain concerning Belmac?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And when was that?</p> <p>13 A. Different moment during over the -- the</p> <p>14 years. I mean, depending if there was anything to</p> <p>09:56:55 15 discuss and -- and/or any -- anything I had to</p> <p>16 prepare.</p> <p>17 Q. Okay. Were you ever in touch with the</p> <p>18 Spanish subsidiary concerning draft agreements with</p> <p>19 Laboratorios Belmac?</p> <p>09:57:05 20 A. Yes.</p> <p>21 Q. And who did you contact at Ethypharm</p> <p>22 Spain? Who was your primary contact?</p>
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<p>09:54:58 1 BY MS. ABREU:</p> <p>2 Q. And did you have any interactions with</p> <p>3 the Spanish subsidiary as during your tenure at</p> <p>4 Ethypharm?</p> <p>09:55:07 5 A. Normal interaction. You know, you have</p> <p>6 when you're working with a subsidiary, which are</p> <p>7 your clients.</p> <p>8 Q. Okay. And what -- what was that normal</p> <p>9 interaction?</p> <p>09:55:18 10 A. Helping the business.</p> <p>11 Q. And when you say that, what do you mean?</p> <p>12 Did you exchange drafts with the subsidiaries?</p> <p>13 A. Yes, yes.</p> <p>14 Q. Okay. Did you communicate with the</p> <p>09:55:33 15 subsidiaries about customers?</p> <p>16 A. Yes. In time, yes, when the legal</p> <p>17 issues were involved.</p> <p>18 Q. Were you involved with litigation of the</p> <p>19 subsidiaries?</p> <p>09:55:56 20 A. Depending on the type of litigation.</p> <p>21 Sometime, yes.</p> <p>22 Q. What kinds of litigation were you</p>	<p>09:57:12 1 A. Adolfo de Basilio.</p> <p>2 Q. Anyone else besides Mr. de Basilio?</p> <p>3 A. No.</p> <p>4 Q. Were you ever -- did you ever</p> <p>09:57:23 5 communicate with Mr. de Basilio regarding Bentley</p> <p>6 in the United States?</p> <p>7 A. Yes.</p> <p>8 Q. And when was that?</p> <p>9 A. On different occasions, when we've had</p> <p>09:57:34 10 any major issue in the relationship between</p> <p>11 Ethypharm and Belmac.</p> <p>12 Q. And could you describe such major</p> <p>13 issues.</p> <p>14 A. It was more a question of whether we're</p> <p>09:57:51 15 continuing the relationship, the cooperation</p> <p>16 between the two companies or not.</p> <p>17 Q. And what was the relationship between</p> <p>18 Ethypharm and Bentley in the United States?</p> <p>19 A. Excuse me, can you repeat?</p> <p>09:58:06 20 Q. Sure.</p> <p>21 A. Yeah.</p> <p>22 Q. When you say whether to continue the</p>

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<p>09:58:10 1 relationship --</p> <p>2 A. Yes.</p> <p>3 Q. -- what was that relationship with</p> <p>4 Bentley in the United States?</p> <p>09:58:12 5 A. Whether we would come to manufacturing</p> <p>6 the product -- the products in the Spanish plant,</p> <p>7 Belmac Spanish plant.</p> <p>8 Q. In Laboratorios Belmac?</p> <p>9 A. In Laboratorios Belmac.</p> <p>09:58:23 10 Q. So with regard to whether to continue</p> <p>11 the relationship with Laboratorios --</p> <p>12 A. Yes.</p> <p>13 Q. -- Belmac? Okay. Okay.</p> <p>14 Any other major issues that you would</p> <p>09:58:35 15 have discussed with Bentley with Mr. de Basilio?</p> <p>16 A. No. It's all around the terms of</p> <p>17 corporation (sic), the corporation (sic) strategy.</p> <p>18 Q. And when you say the corporation (sic)</p> <p>19 strategy, do you mean that of Ethypharm?</p> <p>09:58:55 20 A. Between the two -- two companies,</p> <p>21 Ethypharm and Bentley Belmac, the two groups of</p> <p>22 companies.</p>	<p>09:59:43 1 Spain did you communicate with Mr. de Basilio --</p> <p>2 A. Yes.</p> <p>3 Q. -- about?</p> <p>4 A. Yes.</p> <p>09:59:48 5 Q. Okay.</p> <p>6 A. All the -- all the pellets were</p> <p>7 manufactured, yes.</p> <p>8 Q. And -- and where did Ethypharm</p> <p>9 manufacture -- Ethypharm Spain manufacture pellets</p> <p>09:59:56 10 drugs in Omeprazole?</p> <p>11 A. At Belmac's plant.</p> <p>12 Q. In Zaragoza?</p> <p>13 A. In Zaragoza.</p> <p>14 Q. Okay. Did Ethypharm ever manufacture or</p> <p>10:00:15 15 contract for the manufacturing of Omeprazole with</p> <p>16 pellet drugs in Bentley in the United States?</p> <p>17 A. Bentley was not a manufacturer as far as</p> <p>18 I know.</p> <p>19 Q. Okay. Okay. And do you recall</p> <p>10:00:44 20 approximately when Ethypharm began to manufacture</p> <p>21 Omeprazole and other pellet drugs in Zara -- at</p> <p>22 Belmac's plant in Zaragoza?</p>
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<p>09:59:00 1 Q. Okay.</p> <p>2 MR. GRACE: The word -- you were saying</p> <p>3 a word "corporation." You're saying cooperation?</p> <p>4 THE WITNESS: Cooperation.</p> <p>09:59:11 5 MR. GRACE: Okay.</p> <p>6 THE WITNESS: Cooperation.</p> <p>7 BY MS. ABREU:</p> <p>8 Q. Oh, cooperation?</p> <p>9 A. Yes.</p> <p>09:59:14 10 Q. Okay. All right.</p> <p>11 A. Sorry. Yeah.</p> <p>12 Q. Okay.</p> <p>13 MS. ABREU: Thank you for clarifying</p> <p>14 that.</p> <p>09:59:21 15 BY MS. ABREU:</p> <p>16 Q. Did you ever contact or communicate with</p> <p>17 Mr. de Basilio regarding Omeprazole?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And how often did you communicate</p> <p>09:59:32 20 with him about that?</p> <p>21 A. Whenever necessary.</p> <p>22 Q. Okay. And any other pellet drugs in</p>	<p>10:00:58 1 A. It began before Belmac, beyond Rimafar.</p> <p>2 I think it was in the early nineties.</p> <p>3 Q. Okay. And do you recall who -- who was</p> <p>4 the primary contact at Ethypharm at labor -- at</p> <p>10:01:21 5 Laboratorios Rimafar in the early nineties?</p> <p>6 A. No, I don't recall the name.</p> <p>7 Q. Okay. Does Mr. Perez de Ayala sound</p> <p>8 familiar?</p> <p>9 A. Yes, I've seen his name, yes.</p> <p>10:01:41 10 Q. Okay. And you -- you mentioned that</p> <p>11 the relation -- that Ethypharm began to</p> <p>12 manufacturer Omeprazole and pellet drugs at Rimafar</p> <p>13 before it was purchased by --</p> <p>14 A. Mm-hmm.</p> <p>10:01:55 15 Q. -- what was then Belmac Corporation --</p> <p>16 A. Mm-hmm.</p> <p>17 Q. -- is that correct?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. Were you -- during that early</p> <p>10:02:02 20 period with Rimafar, and do you recall if there</p> <p>21 were any written agreements or any written draft</p> <p>22 agreements with Rimafar for the manufacturer of the</p>

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10:02:11	1 Omeprazole and other pellets drugs?	10:04:11	1 Q. -- as the file for Laboratorios --
	2 A. Yes, there was something which was		2 A. Yes.
	3 drafted, not binding, but it was something which		3 Q. -- Belmac?
	4 was drafted and -- but which was not fully signed.		4 A. Yes.
10:02:26	5 Q. Do you recall who drafted it?	10:04:14	5 Q. Okay. And that was in it?
	6 A. No.		6 A. Yes.
	7 Q. Do you recall whether it was somebody at		7 Q. Okay. And you said you don't know who
	8 Ethypharm or somebody at Rimafar who drafted it?		8 drafted this?
	9 A. I can't tell.		9 A. No.
10:02:33	10 Q. Okay.	10:04:21	10 Q. Do you recall anything about the
	11 MS. ABREU: I'm going to show you a		11 negotiation of this agreement?
	12 document that I'd like marked as Exhibit 2.		12 A. No. I didn't participate.
	13 (Joannesse Deposition Exhibit No. 2		13 Q. You didn't participate?
	14 was marked for Identification.)		14 A. No.
10:03:17	15 BY MS. ABREU:	10:04:27	15 Q. Do you know who participated in the
	16 Q. And if you could please let me know when		16 negotiation of this?
	17 you've had a chance to -- to review that.		17 A. Well, Mr. Debréguas.
	18 I'm not going to ask you details about		18 Q. Mm-hmm.
	19 the terms, but if you could just please take a look		19 A. Because he signed the agreement.
10:03:26	20 at it, familiarize yourself with the document.	10:04:36	20 Q. Mm-hmm.
	21 MS. HIGGINS: This is two?		21 A. And Mr. de Ayala for -- on behalf of
	22 MS. ABREU: Yeah, this is two.		22 Rimafar, but I can't tell if there were other
Page 75		Page 77	
10:03:36	1 THE WITNESS: Well, I've seen this	10:04:49	1 people.
	2 document along with the agreements that was part of		2 Q. Okay. And if you could please read
	3 the agreement that Ethypharm signed. As I told		3 right under where it says Contrato De Fabricación
	4 you, I was not involved with the drafting.		4 manufacturing Contract.
10:03:47	5 BY MS. ABREU:	10:04:58	5 A. Mm-hmm.
	6 Q. Okay.		6 Q. Who were the parties as listed there to
	7 A. And -- well, I know this agreement		7 the agreement?
	8 because it was part of the documents we had.		8 A. This is from S.A., the subsidiary and
	9 Q. The part -- the documents, did you keep		9 Laboratorios Rimafar.
10:03:54	10 a file in --	10:05:11	10 Q. Okay. And when you say the subsidiary,
	11 A. Yes.		11 do you mean the Spanish subsidiary --
	12 Q. -- the legal --		12 A. The Spanish subsidiary, yes.
	13 Was that in your file?		13 Q. -- of Ethypharm?
	14 A. Yes.		14 And is Laboratorios Rimafar also located
10:03:56	15 Q. Okay. Did you have a file that was	10:05:18	15 in Madrid?
	16 specific for agreements with Laboratorios Belmac?		16 A. Yes.
	17 A. Yes.		17 Q. Okay. And Mr. Debréguas was
	18 Q. Okay. Did you have a file that was		18 representing the Ethypharm Spanish subsidiary --
	19 specific for any agreements with Bentley?		19 A. Yes.
10:04:09	20 A. Yes, to say.	10:05:28	20 Q. -- is that correct?
	21 Q. Well, was it the same file as --		21 Did Mr. Debréguas have a position in
	22 A. Yes.		22 Ethypharm Spain at the time?

20 (Pages 74 to 77)

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<p>10:05:35 1 A. Yes. 2 Q. And -- 3 A. He was the president, as I mentioned. 4 Q. Okay. And did he also have a position 10:05:40 5 in Ethypharm in France at the time? 6 A. Yes. He was the president. 7 Q. And Ethypharm France is not a party to 8 this agreement, is it? 9 A. No. But it doesn't need to be. 10:05:58 10 Q. Okay. And why is that? 11 A. Because it's an agreement on 12 manufacturing a product which involves the 13 subsidiary and the Spanish company. 14 Q. Okay. To your knowledge, as -- as 10:06:13 15 being -- as an attorney, do you know if there was 16 any legal impediment to Ethypharm France being a 17 party to this agreement? 18 A. No. 19 Q. No? Okay. 10:06:24 20 So if -- if Mr. Debrégeas wanted to, he 21 could have also said Ethypharm France and Ethypharm 22 Spain; is that correct?</p>	<p>10:07:13 1 BY MS. ABREU: 2 Q. Okay. It's not necessary but there's no 3 prohibition? 4 A. Prohibition as such, no -- 10:07:19 5 Q. Okay. 6 A. -- as far as I know. 7 Q. Do you know whether this particular 8 agreement was ever shown to the Spanish 9 authorities? 10:07:24 10 A. I couldn't tell you. 11 Q. Okay. 12 A. No. 13 Q. Okay. 14 MS. ABREU: And I would like to mark 10:07:41 15 another document as Exhibit 3, the 6 November '92, 16 yeah. Okay. Thank you. 17 (Joannesse Deposition Exhibit No. 3 18 was marked for Identification.) 19 BY MS. ABREU: 10:08:26 20 Q. Ms. Joannesse, if you could please let 21 me know when you've had a chance to review that 22 document.</p>
Page 79	Page 81
<p>10:06:34 1 A. Usually these type of agreements, they 2 have also purpose to be given to the authorities, 3 you know, to show who is manufacturing, who are the 4 contractors. And this is normal that you have it 10:06:47 5 between the two Spanish companies -- 6 Q. Okay. 7 A. -- and not to involve the French 8 company, even if it has an impact, obviously, on 9 the signature of this agreement. 10:06:56 10 Q. But there's no legal prohibition to 11 involving the French company here; is -- is that 12 correct? 13 MR. GRACE: Objection. Calls for a 14 legal conclusion. 10:07:05 15 You can answer -- 16 MS. ABREU: You can answer. 17 MR. GRACE: -- to the extent of your 18 understanding. 19 MS. ABREU: Yes. 10:07:11 20 THE WITNESS: I don't think so. But I 21 think it's not necessary. 22</p>	<p>10:08:31 1 (Witness reviews document.) 2 BY MS. ABREU: 3 Q. Have you seen the document marked as 4 Exhibit 3 before? 10:10:11 5 A. Yes. 6 Q. Okay. Was this one of the documents 7 that was in your Belmac -- 8 A. Yes. 9 Q. -- Bentley file? 10:10:16 10 A. Mm-hmm. 11 Q. Did you have any involvement in drafting 12 this agreement -- this -- this document? 13 A. No. 14 Q. Okay. Can you tell us what the document 10:10:26 15 marked as Exhibit 3 is? 16 A. It's a declaration made by Mr. Perez de 17 Ayala which confirms the -- confirms some of the 18 terms of the manufacturing of the products of 19 Ethypharm at Belmac and all about the investments 10:10:55 20 made at Laboratorios Belmac by Ethypharm -- 21 Q. Okay. 22 A. -- namely the machines.</p>

21 (Pages 78 to 81)

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<p>10:11:05 1 Q. And machines. And does it also attach a 2 list of machines -- 3 A. Yes. 4 Q. -- that were placed at a -- at the 10:11:12 5 Zaragoza -- 6 A. Yes. 7 Q. -- facility -- 8 A. Mm-hmm. 9 Q. -- by Ethypharm? 10:11:17 10 A. Yes. 11 Q. Okay. Okay. And when you say that 12 Ethypharm placed with Belmac and Belmac was in 13 Spain obviously. Right? 14 A. Yes, because the machines were in Spain. 10:11:30 15 Q. Okay. And can you tell us, to your 16 knowledge, were any machines of Ethypharm's ever 17 placed anywhere other than at the Zaragoza facility 18 and Laboratorios Belmac? 19 A. No, because, I mean, that was the object 10:11:49 20 of the corporation, manufacturing in Spain. 21 Q. Okay. So no machines were ever shipped 22 to United States to any --</p>	<p>10:12:32 1 coaching the witness. 2 BY MS. ABREU: 3 Q. Ms. Joannesse, if you could please look 4 at the first page of the document marked as 10:12:40 5 Exhibit 3 and tell me right under where it says 6 Manifesta. 7 A. Mm-hmm. 8 Q. Could you read that first sentence and 9 tell us who this manifestation is between which 10:12:51 10 companies? 11 A. It's between Laboratorios Belmac S.A. 12 and Ethypharm S.A. 13 Q. Okay. And is Ethypharm S.A. the Spanish 14 subsidiary or the French company? 10:13:02 15 A. It does not say in this document. 16 Q. Okay. So it's unclear. 17 Okay. And I'd like you to -- and you 18 understand -- to your understanding of under French 19 law, does an agreement with a subsidiary company 10:13:22 20 also buying the parent corporation? 21 A. I would say that it binds primarily the 22 subsidiary, but, obviously, the parent company is</p>
Page 83	Page 85
<p>10:11:57 1 A. No. 2 Q. -- Bentley facility? 3 Okay. 4 MR. GRACE: You need to let counsel 10:12:01 5 finish her question before you answer. 6 MS. ABREU: Counsel, I think you've 7 already stated that to the witness. 8 MR. GRACE: Well, consider it restated 9 until the witness does it. Please don't comment on 10:12:16 10 what I comment on. 11 MS. ABREU: Well, if it's coaching the 12 witness. 13 MR. GRACE: Well, excuse me. It wasn't 14 coaching the witness. For this record to be clear, 10:12:18 15 the witness needs to wait for you to finish your 16 question. 17 MS. ABREU: And I've already reviewed 18 that with her earlier today, counsel. And I'd 19 appreciate not interrupting my questioning. 10:12:27 20 MR. GRACE: No, I wasn't interrupting 21 your questioning. I waited until you were finished 22 and then until the witness came, and I wasn't</p>	<p>10:13:40 1 involved in the -- in the -- as a link with what 2 the subsidiary is doing, is responsible, as the 3 terms, probably, I should say it in French. 4 Q. And what is the basis of that link? Is 10:13:54 5 it the fact that the parent corporation owns the 6 subsidiary? 7 A. Yes. 8 Q. Okay. Okay. And to your understanding, 9 does an agreement under Spanish law that binds, 10:14:10 10 that -- that is with a subsidiary corporation, say 11 in Ethypharm Spain -- 12 A. Mm-hmm. 13 Q. -- also bind the parent corporation? 14 A. I don't know Spanish law -- 10:14:20 15 Q. Okay. 16 A. -- so I can't tell. 17 Q. Okay. Do you recall any written 18 agreement between Ethypharm, either Spain or 19 France, and Rimafar that was ever signed, executed 10:14:42 20 in full? 21 A. No. 22 Q. And are you aware that Rimafar was</p>

22 (Pages 82 to 85)



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10:14:52	1 subsequently purchased by Belmac Corporation?	10:17:26	1 A. Mm-hmm.
	2 A. Yeah, I learned it, yes.	2	Q. Okay. Thank you. That'll make things a
	3 Q. Okay. Do you recall when you learned	3	little faster for all of us.
	4 that fact?	4	Once Rimafar was purchased by Bentley,
10:15:02	5 A. No, not exactly.	10:17:39	5 which is now -- was then --
	6 Q. Okay. Did you have any contacts with	6	A. Mm-hmm.
	7 Belmac Corporation prior to its purchase of	7	Q. -- Belmac Corporation, did Ethypharm
	8 Rimafar?	8	continue to pursue the manufacturer of Omeprazole
	9 A. No.	9	and other pellets drugs at the Zaragoza facility?
10:15:13	10 Q. Okay. To your knowledge, did anyone	10:17:54	10 A. Yes.
	11 else at Ethypharm have any contacts with Belmac	11	Q. Okay. Do you know that as part of that
	12 Corporation prior to its purchase of Rimafar?	12	relationship for the manufacturer of these drugs,
	13 A. I don't know.	13	if people -- if people at Ethypharm were in contact
	14 Q. To your knowledge, does either of the	14	with people at Laboratorios Belmac with regard to
10:15:31	15 Exhibits, 3 or Exhibit 2, apply to Lanzoprazole or	10:18:10	15 this -- to the manufacturer?
	16 any other pellet drug asides from Omeprazole?	16	A. Yes.
	17 A. I think it applies to any product which	17	Q. Okay. Were you in contact with anyone
	18 was manufactured in the factory.	18	at Laboratorios Belmac?
	19 Q. Okay.	19	A. No.
10:16:02	20 A. Yeah.	10:18:18	20 Q. Who would you say are the -- were the
	21 Q. And do you recall which products	21	primary contact people for Ethypharm at
	22 Ethypharm manufactured at the Zaragoza facility of	22	Laboratorios Belmac for the manufacturing of these
Page 87		Page 89	
10:16:10	1 Rimafar?	10:18:26	1 drugs?
	2 A. There were several products. I don't	2	A. Adolfo de Basilio.
	3 recall all the names, but you had Indometacin,	3	Q. Do you know who Mr. de Basilio's primary
	4 Piroxican, Lanzoprazole, Diclofenac maybe. I just	4	contacts were at Belmac?
10:16:27	5 don't recall.	10:18:38	5 A. I think it varies over the years. So I
	6 Q. Ms. Joannesse, would you mind, for the	6	can't tell exactly the name --
	7 record, just perhaps writing down the name of the	7	Q. Okay.
	8 products for the court reporter.	8	A. -- just know the last name, Mr. Adolfo
	9 A. Yes.	9	Herrera.
10:16:34	10 (Illustrating.)	10:18:48	10 Q. Okay. Prior to Mr. Herrera do you
	11 Q. Thank you.	11	remember any names?
	12 And was Omeprazole -- just to clarify,	12	A. No, frankly not.
	13 was Omeprazole also part of those or --	13	Q. Okay. Have you ever heard of Clemente
	14 A. Yes.	14	Gonzalez Azpeitia?
10:17:04	15 Q. -- one of those products?	10:19:00	15 A. Yes.
	16 A. Yes, mm-hmm.	16	Q. Do you recall whether Mr. Clemente
	17 Q. Would you mind writing that down for the	17	Gonzalez was one of the contracts with
	18 court reporter as well.	18	Mr. de Basilio at Belmac?
	19 (Illustrating.)	19	A. I would imagine.
10:17:15	20 Q. Okay. Is it okay with you if during	10:19:12	20 Q. And who did you contact primarily when
	21 today's deposition I refer to Omeprazole and all of	21	you had to discuss an agreement or some other
	22 those other products as the other pellet drugs?	22	intellectual property matter involving Laboratorios

23 (Pages 86 to 89)

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<p>10:19:31 1 Belmac?</p> <p>2 A. I would not contact Belmac directly.</p> <p>3 Q. Okay. Would you go through</p> <p>4 Mr. de Basilio always?</p> <p>10:19:39 5 A. Yes.</p> <p>6 Q. And do you know whether anybody else at</p> <p>7 Ethypharm France would be in contact with -- direct</p> <p>8 contact with anyone at Laboratorios Belmac?</p> <p>9 A. Yes.</p> <p>10:20:01 10 Q. And who -- who were those people?</p> <p>11 A. You had different people according to</p> <p>12 the subject. You had Domingo Bernabe.</p> <p>13 Q. Mm-hmm.</p> <p>14 A. You also had the people from the</p> <p>10:20:12 15 insurance quality department, assurance quality</p> <p>16 department, Marcelle Gavaille and Pierre Fontani.</p> <p>17 You had people from Ethypharm France.</p> <p>18 I'll write out the names.</p> <p>19 Q. Please.</p> <p>10:20:28 20 A. And from -- from the manufacturing part,</p> <p>21 Pascal Oury, Philippe Boudal.</p> <p>22 Well, you know it's a long corporation,</p>	<p>10:21:31 1 (Illustrating.)</p> <p>2 BY MS. ABREU:</p> <p>3 Q. Do you recall the frequency with which</p> <p>4 the -- you know, Mr. Bernabe, Ms. Gavaille,</p> <p>10:22:00 5 Fontani, Oury, and Boudal, would be in contact with</p> <p>6 Belmac personnel down in the Zaragoza facility?</p> <p>7 A. Mr. Bernabe was more frequently in</p> <p>8 contact because he was working on that, Omeprazole.</p> <p>9 And the others, it would depend on the need.</p> <p>10:22:24 10 Q. And Mr. Bernabe, to your knowledge,</p> <p>11 how -- when you say frequent, would it be on a</p> <p>12 monthly? On a weekly basis?</p> <p>13 A. I can't say exactly. You know, I'm</p> <p>14 not -- not -- I was not involved in that, in his</p> <p>10:22:38 15 traveling to Spain so, but he was --</p> <p>16 Q. Okay.</p> <p>17 A. -- frequently in Zaragoza, yes.</p> <p>18 Q. Okay. Did you ever personally travel to</p> <p>19 Spain?</p> <p>10:22:50 20 A. Yes.</p> <p>21 Q. And when was that?</p> <p>22 A. November 2002 or December 2002. I</p>
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<p>10:20:36 1 so you have plenty of people who got involved with</p> <p>2 the manufacturer of products in Spain.</p> <p>3 Q. Okay. And do you know if the persons</p> <p>4 you just mentioned were they in contact with folks</p> <p>10:20:55 5 down in the Zaragoza facility to your knowledge?</p> <p>6 A. They were in contact with people at</p> <p>7 Zaragoza facility, yes.</p> <p>8 Q. Do you know who?</p> <p>9 A. No.</p> <p>10:21:01 10 Q. To your knowledge, did any of the</p> <p>11 persons you've just mentioned have any contacts</p> <p>12 with anyone at Bentley in the United States?</p> <p>13 A. No, no.</p> <p>14 Q. Okay. Do you recall the frequency of</p> <p>10:21:22 15 contacts between the persons that you just</p> <p>16 mentioned --</p> <p>17 A. Can I just ask you --</p> <p>18 Q. Oh.</p> <p>19 A. -- five minutes --</p> <p>10:21:29 20 Q. No problem.</p> <p>21 A. -- so I can take names.</p> <p>22 Q. Take your time.</p>	<p>10:23:02 1 just -- it sounds like it's November-December.</p> <p>2 Q. And what was the purpose of your trip to</p> <p>3 Spain?</p> <p>4 A. Infringement action.</p> <p>10:23:16 5 Q. Against whom?</p> <p>6 A. Belmac.</p> <p>7 Q. And where was that infringement action?</p> <p>8 A. It's taking place in Zaragoza.</p> <p>9 Q. In Spanish courts?</p> <p>10:23:33 10 A. Yes.</p> <p>11 Q. And during that trip, the</p> <p>12 November-December of 2002 were you involved in --</p> <p>13 where did you go?</p> <p>14 A. I go to the law offices of our patent</p> <p>10:23:53 15 attorney.</p> <p>16 Q. Is that an outside patent attorney?</p> <p>17 A. Uh, yes.</p> <p>18 Q. And do you recall his name?</p> <p>19 A. Yes. Antonio Castan.</p> <p>10:24:01 20 Q. Would you please spell that for the</p> <p>21 court reporter?</p> <p>22 A. Yeah.</p>

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10:24:13	1 Q. And did you go anywhere else?	10:25:40	1 instructions not to answer.
	2 Did you go to the Zaragoza plant at all		2 And if you could please clarify that.
	3 during that trip?		3 MR. GRACE: You can answer what the
	4 A. No.		4 allegations are in the public lawsuit to the extent
10:24:21	5 Q. Okay. And the infringement action	10:25:48	5 that they're public.
	6 against Belmac, was that a patent infringement?		6 THE WITNESS: Well, I'd rather not
	7 A. Yes.		7 answer to it, because I don't know exactly what is
	8 Q. And what was the basis of the lawsuit?		8 public and what is not public.
	9 What were the allegations by Ethypharm?		9 So obviously, I know what was the
10:24:43	10 A. Belmac.	10:26:10	10 purpose of this infringement action. But now, I
	11 MR. GRACE: To the extent that they're		11 would like to put the -- the action at stake --
	12 public. I mean, you can talk about what's in the		12 MS. ABREU: Mm-hmm.
	13 public document.		13 THE WITNESS: -- so if you can
	14 THE WITNESS: Okay.		14 understand.
10:24:55	15 Just thinking it over, whether it's	10:26:21	15 BY MS. ABREU:
	16 public or not, because, I mean, there is a lawsuit		16 Q. Do you --
	17 which is in place, and I don't know where -- at		17 A. Rephrase your -- your question --
	18 which state it is right now because I have left the		18 Q. Let me rephrase the question.
	19 company to --		19 A. -- maybe --
10:25:06	20 MS. ABREU: Counsel --	10:26:26	20 Q. Okay.
	21 THE WITNESS: -- even follow it.		21 A. -- in a different way.
	22 MS. ABREU: -- just for -- to clarify		22 Q. Does it involve the -- an allegation
Page 95		Page 97	
10:25:06	1 for the record, is there an objection associated	10:26:29	1 that Belmac is infringing in Ethypharm patent for
	2 with that instruction?		2 Omeprazole?
	3 MR. GRACE: Yes.		3 A. Yes.
	4 MS. ABREU: And what is that objection?		4 Q. Okay. And does it involve the
10:25:14	5 MR. GRACE: Attorney/client privilege.	10:26:45	5 allegation that Ethypharm -- the basis for that
	6 MS. ABREU: Okay. And are you		6 allegation of infringement, is that Ethypharm --
	7 instructing the client not to answer with respect		7 Belmac is continuing to manufacture Omeprazole in
	8 to matters that are not -- Ms. Joannesse not to		8 Spain in the Zaragoza facilities right now?
	9 answer with matters that are not --		9 A. Right now, I can't tell you because I
10:25:23	10 MR. GRACE: Let -- let me understand.	10:26:56	10 have --
	11 Are you asking her questions about		11 Q. Or at that time.
	12 allegations in the Spanish lawsuit?		12 A. But at the time, yes.
	13 MS. ABREU: In the Spanish lawsuit,		13 Q. Okay. Did you ever visit the Zaragoza
	14 yeah, at this change --		14 facility?
10:25:29	15 MR. GRACE: Okay.	10:27:06	15 A. No.
	16 MS. ABREU: -- in point.		16 Q. Okay.
	17 MR. GRACE: Don't you have the Complaint		17 A. Never.
	18 in that lawsuit?		18 Q. Did you ever -- aside from this trip to
	19 MS. ABREU: Counsel, this is discovery,		19 -- during that trip to Spain in December of 2002 or
10:25:35	20 and I'm entitled to ask questions. I'm just trying	10:27:15	20 November of 2002, did you meet with anyone from
	21 to clarify for the record, because as, you know,		21 Belmac?
	22 courts do like to have a clear record on		22 A. No.

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10:27:20	1 Q. Did you meet with Adolfo de Basilio?	10:28:53	1 Q. Is that the November-December 2002?
	2 A. Yes.		2 A. Must be maybe one month before,
	3 Q. Okay.		3 something like that. But I don't just -- I don't
	4 A. Yes.		4 recall exactly the date, but it was just before to
10:27:24	5 Q. And what was the purpose of that	10:29:05	5 prepare -- to prepare the infringement action.
	6 meeting?		6 Q. Okay. And that was also meeting with
	7 A. Adolfo de Basilio, I just thinking of --		7 Mr. Castan?
	8 yes, I did meet with him.		8 A. Yes.
	9 Q. Okay.		9 Q. To prepare the infringement action
10:27:36	10 A. Just discussed the infringement	10:29:13	10 against Belmac Spain?
	11 action --		11 A. Yes.
	12 Q. Okay.		12 Q. Okay. Did you ever visit Belmac's --
	13 A. -- of Omeprazole.		13 either Belmac's Madrid office or the Zaragoza
	14 Q. And what did you discuss?		14 facility?
10:27:43	15 MR. GRACE: Objection.	10:29:23	15 A. No.
	16 Don't go into your discussions with		16 Q. What documents, if any, were exchanged
	17 Mr. De Basilio.		17 between Ethypharm and Belmac as part of this
	18 MS. ABREU: Counsel, could you please,		18 arrangement throughout the years for the
	19 for clarity of the record, state the basis for the		19 manufacturer of Omeprazole and other pellet drugs?
10:27:54	20 objection.	10:29:39	20 A. You had plenty of -- of documents
	21 MR. GRACE: Attorney/client privilege.		21 exchanged, a lot of documents, which were needed,
	22 MS. ABREU: Okay.		22 you know, to go forth for the purpose of daily
Page 99		Page 101	
10:27:57	1 Bentley reserves the -- its rights to	10:29:51	1 business in Spain. And sometime (sic) we try to
	2 take this matter up with the court.		2 clarify the corporation but that was not on this --
	3 BY MS. ABREU:		3 Belmac.
	4 Q. As part of the -- did you go to Spain		4 Q. So would you say that draft agreements
10:28:10	5 ever in any other time aside from this trip?	10:30:11	5 were exchanged?
	6 A. Maybe I went once or twice but just		6 A. That they were exchanged, both with
	7 to -- for business purpose, yes.		7 Belmac and Bentley.
	8 Q. Okay. For Ethypharm business --		8 Q. And were confidentiality statements
	9 A. Yes, Ethypharm --		9 exchanged?
10:28:24	10 Q. -- or come --	10:30:30	10 A. Yes.
	11 A. -- business.		11 Q. And who were they exchanged with?
	12 Q. And did you ever meet -- who did you		12 A. Some of them were with -- with
	13 meet with on those other two trips?		13 employees.
	14 A. Customers and -- and attorneys as well		14 Q. Of Belmac?
10:28:35	15 for -- for further subjects.	10:30:39	15 A. Of Belmac, yes.
	16 Q. Okay. Did any of either of those two		16 Q. Any others?
	17 trips involve Belmac?		17 A. I think that's all for confidentiality
	18 A. Just one.		18 agreements.
	19 Q. Okay. And do you recall when that trip		19 Q. Okay. And were there any documents
10:28:47	20 was?	10:30:52	20 concerning orders that were placed by Ethypharm
	21 A. It was just before the infringement		21 exchanged with Laboratorios Belmac?
	22 action to meet the lawyer.		22 A. I would imagine so, but I didn't see

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<p>10:31:02 1 these type of documents.  2 Q. Did you ever see any orders of Ethypharm  3 for Omeprazole or other pellet drugs being sent to  4 Bentley --  10:31:12 5 A. No, I was not --  6 Q. -- in the United States?  7 A. -- involved with this.  8 Q. Okay. To your knowledge were any bills  9 or invoices exchanged between Ethypharm and Belmac  10:31:21 10 concerning Omeprazole or other pellet drugs?  11 A. I can't tell.  12 Q. Okay. How about export licenses or  13 authorization to export Omeprazole or other drugs  14 outside of -- of -- of Spain?  10:31:37 15 A. What do you want to know in this  16 respect.  17 Q. Do you know if Belmac ever exchanged  18 that with Ethypharm, any such documents?  19 A. I don't know.  10:31:47 20 Q. Okay.  21 A. I would imagine it's the daily business,  22 so it was done by the Spanish subsidiary.</p>	<p>10:32:56 1 some -- some agreements --  2 Q. Mm-hmm.  3 A. -- stating exactly who is doing what and  4 what are the responsibilities of each of the  10:33:02 5 parties.  6 Q. Okay. Were you involved in sending such  7 agreements to the Spanish authorities?  8 A. No.  9 Q. Have you ever seen or been cc'd on  10:33:11 10 correspondence any --  11 A. No.  12 Q. -- of these agreements to the Spanish  13 authorities?  14 A. No --  10:33:16 15 Q. Okay.  16 A. -- not for sending to the authorities,  17 no.  18 Q. Who sent it to the authorities to your  19 knowledge?  10:33:21 20 A. Either Ethypharm Spain or Belmac, the  21 one who is required to submit this type of  22 document.</p>
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<p>10:31:53 1 Q. Okay. What kind of documents were done  2 out of France pertaining to -- to the relationship  3 with Belmac?  4 A. The main, main agreement, global  10:32:08 5 agreements.  6 Q. So any manufacturing contracts?  7 A. Manufacturing contracts, I'm not sure  8 we -- we -- we probably prepared or not to and  9 requested to by the FDA, but some of the  10:32:28 10 manufacturing contracts that were necessary for  11 registration purposes, so they were frequently done  12 in Spanish --  13 Q. Mm-hmm.  14 A. -- so.  10:32:41 15 Q. And when you say they were necessary for  16 registration purposes, what is the basis of that  17 statement?  18 A. For -- for being able to manufacture  19 product, you have to tell the authorities who is  10:32:51 20 doing what.  21 Q. Mm-hmm.  22 A. So they have to -- they need to see</p>	<p>10:33:29 1 Q. Were you ever told by anyone at  2 Ethypharm Spain or at Belmac that they had  3 forwarded a manufacturing agreement to the Spanish  4 authorities?  10:33:37 5 A. Yes. They were also with them, yes.  6 Q. And who told you that?  7 A. Adolfo de Basilio.  8 Q. Do you recall when he told you that?  9 A. No.  10:33:55 10 Q. And when you say Spanish authorities, do  11 you mean the Spanish Ministry of Health?  12 A. Yes.  13 Q. To your knowledge, did Ethypharm give  14 any customer list or names of its customers to  10:34:13 15 Laboratorios Belmac in Spain?  16 A. I would imagine so, yes.  17 Q. Okay. To your knowledge, did Ethypharm  18 ever give a list of customers or the name of its  19 customers to Bentley in the United States?  10:34:29 20 A. I can't tell.  21 Q. You don't know?  22 A. No, I don't know.</p>

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<p>10:34:33 1 Q. Okay. To your knowledge, did Ethypharm 2 ever give a customer list for the names of its 3 customers to Jim Murphy? 4 A. I don't know.</p> <p>10:34:40 5 Q. Okay. To your knowledge, did Belmac 6 ever interact directly with Ethypharm's customers? 7 A. I think so. I seen it happen. I -- I 8 can't tell you exactly when but I seen it happen. 9 Q. Okay. I'd like to show you a couple of 10 documents. 11 A. Mm-hmm. 12 MS. ABREU: All right. We'll go back to 13 this. And the court reporter needs a break. 14 So we'll take a little break now --</p> <p>10:35:58 15 THE WITNESS: Okay. 16 MS. ABREU: -- and then we'll go back to 17 that same question. 18 And I'll just have you reread what I 19 said, okay?</p> <p>10:36:07 20 THE VIDEOGRAPHER: This ends tape number 21 one of the Joannesse deposition. 22 The time is 10:35:53.</p>	<p>10:50:07 1 (Joannesse Deposition Exhibit No. 4 2 was marked for Identification.) 3 MS. ABREU: I'm sorry, what was the 4 exhibit number on that?</p> <p>10:50:55 5 MS. HIGGINS: Four. 6 MS. ABREU: Four, okay. 7 BY MS. ABREU: 8 Q. And Ms. Joannesse, if you could please 9 let me know when you've had a chance to review 10 Exhibit 4. 11 A. Mm-hmm. 12 (Witness reviews document.) 13 BY MS. ABREU: 14 Q. Okay. Have you seen Exhibit 4 before --</p> <p>10:52:03 15 A. No. 16 Q. -- Ms. Joannesse? 17 A. No. 18 Q. You have not? 19 A. No.</p> <p>10:52:14 20 Q. And do you recall earlier today when I 21 asked you if Laboratorios Belmac had any direct 22 communications with Ethypharm clients?</p>
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<p>10:36:12 1 Off the record. 2 (Whereupon, at 10:35:53 a.m., a recess 3 was taken, and the proceedings resumed at 4 10:49:15 a.m., this same day.)</p> <p>10:49:18 5 THE VIDEOGRAPHER: On the record with 6 tape number two of the testimony of Roseline 7 Joannesse in the matter of Ethypharm versus Bentley 8 Pharmaceuticals. 9 The date is July 20th, 2006. 10 The time is 10:49:15.</p> <p>11 EXAMINATION BY COUNSEL FOR THE DEFENDANT 12 (Continued) 13 BY MS. ABREU: 14 Q. Good morning, again, Ms. Joannesse.</p> <p>10:49:39 15 A. Good morning. 16 MS. ABREU: And if I could just have the 17 court reporter read back the last thing before 18 we -- that I said before we took a break. 19 (Whereupon, the court reporter read back 20 the pertinent portion of the record.) 21 MS. ABREU: And if we could mark the 22 next exhibit.</p>	<p>10:52:15 1 A. Yes. 2 Q. Okay. Do you recall that? 3 A. Yes. 4 Q. To your knowledge, is Carlo Eber -- Erba 5 an Ethypharm client? 6 A. It is an Ethypharm client for some 7 products, yeah. 8 Q. Okay. And would you agree that 9 Exhibit 4 states that it is a production agreement? 10 A. That's what is written, yes. 11 Q. Okay. And is it also written that it is 12 been Laboratorios Belmac S.A. from Zaragoza 13 represented by Clement Gonzalez Azpeitia and Carlo 14 Erba? 15 A. That's what is written. 16 Q. Okay. 17 A. But that's not a formal agreement. It's 18 a draft. 19 Q. It's a draft. 20 Do you -- do you know who may have been 21 involved in drafting agreements with Laboratorios 22 Belmac, aside from yourself, perhaps on Ethypharm's</p>

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